

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
RYAN PEUGH,

Plaintiff,

- against -

BETTER HOLDCO, INC.,

Defendant.
-----X

Case No. 22-cv-9475

**DECLARATION IN SUPPORT
OF REQUEST FOR
CERTIFICATE OF
DEFAULT**

JOSEPH MYERS, ESQ. hereby declares as follows:

1. I am a member of the Bar of this Court, and I am associated with Phillips & Associates, PLLC, attorneys for RYAN PEUGH (“Plaintiff”), in the above-captioned action. I am familiar with the facts and circumstances in this action.

2. I make this declaration pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, and Local Rule 55.1 of the Local Rules for the Southern District of New York in support of Plaintiff’s Request for Certificate of Default against Defendant BETTER HOLDCO, INC.

3. Plaintiff seeks relief from Defendant BETTER HOLDCO, INC. in this action pursuant to The Family and Medical Leave Act of 1993 (“FMLA”) for interference with his rights under the FMLA and retaliation for exercise of his rights under the FMLA.

4. Plaintiff originally commenced this action on November 4, 2022, by the filing of the Complaint with the Court. A copy of the Complaint is attached hereto as **Exhibit A**.

5. Defendant BETTER HOLDCO, INC. is a corporation formed under the laws of the State of Delaware with a principal place of business at 175 Greenwich Street, Floor 59, New York, New York 10007.

6. Service of the Summons and Complaint upon Defendant BETTER HOLDCO, INC. was properly made pursuant to New York Business Corporation Law § 306 by serving a true copy of same upon Amy Lesch, Manager, an authorized agent in the office of the Secretary of State for the State of New York, on December 30, 2022.

7. A copy of the affidavit of service upon Defendant BETTER HOLDCO, INC. is attached hereto as **Exhibit B**.

8. The time for Defendant BETTER HOLDCO, INC. to answer or otherwise move with respect to the Complaint herein has expired.

WHEREFORE, Plaintiff respectfully request that this Court note the default of Defendant BETTER HOLDCO, INC. and endorse the “Clerk’s Certificate of Default,” filed herewith.

Dated: Garden City, New York
January 27, 2023

Respectfully Submitted,

PHILLIPS & ASSOCIATES, PLLC
Attorneys for Plaintiffs
585 Stewart Avenue, Suite 410
Garden City, New York 11530
Tel. (212) 248-7431
Fax. (212) 901-2107

By: /s/
Joseph Myers, Esq.